

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ALTAGRACIA ROSARIO,

Plaintiff,

v.

RAYMOND C. GEARY, QUINN &
QUINN,

Defendants.

HONORABLE JOSEPH E. IRENAS

CIVIL ACTION NO. 09-0055
(JEI/JS)

**MEMORANDUM ORDER DISMISSING
MOTION AS MOOT
(Docket No. 6)**

APPEARANCES:

ALTAGRACIA ROSARIO, *pro se*
Reg. No. 17431-050
Ridge B-3 Federal Prison Camp
P.O. Box A
Alderson, West Virginia 24910

IRENAS, Senior District Judge:

This matter having appeared before the Court upon Plaintiff Altagracia Rosario's "Motion to Withdraw Voluntarily as Judge" pursuant to 28 U.S.C. § 455, and it appearing that:

1. On January 5, 2009, Plaintiff initiated this action by filing a Complaint. The Complaint was not accompanied by a filing fee or an application to proceed *in forma pauperis*.

2. On January 9, 2009, the Court entered an Order administratively terminating this action due to the absence of a filing fee or an application to proceed *in forma pauperis*. The Order provided that the matter would be reopened if a filing fee or an application to proceed *in forma pauperis* was received

within thirty days.

3. On January 30, 2009, Plaintiff submitted an application to proceed *in forma pauperis*.

4. On March 30, 2009, the Court issued an Opinion and Order. Therein, the Court: (1) ordered the matter reopened by the Clerk of Court; (2) granted Plaintiff's application to proceed *in forma pauperis*; (3) dismissed the original Complaint without prejudice for failure to state a claim; and (4) directed the Clerk of Court to terminate this matter. Thus, the Complaint has been dismissed, and this matter is currently closed.

5. On April 17, 2009, Plaintiff filed the current motion seeking this Court's voluntarily recusal. As this action is closed, there are no proceedings from which this Court could recuse itself.

And for good cause shown;

IT IS, on this 22nd day of April, 2009,

ORDERED THAT

1. Plaintiff's Motion is hereby **DISMISSED AS MOOT**.

s/ Joseph E. Irenas
JOSEPH E. IRENAS, S.U.S.D.J.